REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: April 14, 2016

ANALYST: Nataliya Ioffe

I. COMMITTEE:

Rohrabacher for Congress

C00224691

Jen Slater, Treasurer (7/15/15 – present)

Jack Wu, Treasurer (2/24/05 – 7/14/15)

9070 Irvine Center Drive, #150

Irvine, CA 92618

II. RELEVANT STATUTES:

52 U.S.C. § 30104(b) 11 CFR § 102.9 11 CFR § 102.15 11 CFR § 104.3

III. BACKGROUND:

Other Violations of the Federal Election Campaign Act (Unauthorized Use of Committee Funds)

Rohrabacher for Congress ("the Committee") amended its 2015 April Quarterly Report to disclose a cash-on-hand adjustment of \$187,946.39 due to the embezzlement of campaign funds by a former treasurer. The Committee also disclosed unauthorized receipts and disbursements on its Amended 2015 April Quarterly and 2015 July Quarterly Reports (Attachment 2).

On June 29, 2015, Charles ("Chuck") Bell, counsel for the Committee, Rhonda Rohrabacher, the candidate's spouse and campaign manager and Jen Slater, treasurer, called the Reports Analysis Division (RAD) Management to discuss the Committee's discovery of embezzlement by former treasurer, Jack Wu. Mr. Bell stated that Mr. Wu had embezzled at least \$173,500 from the campaign during 2014 and 2015 and there was a possibility his embezzlement went back to the beginning of his tenure with the Committee in 2008. The Committee discovered the embezzlement around May 20, 2015, after which Jack Wu admitted to appropriating campaign funds and was relieved of treasurer

responsibilities. After that time, the Committee established a new bank account. Mr. Bell indicated that the old bank account from which Mr. Wu embezzled had about \$5,000 left as of the early April 2015. The FEC reports showed a cash-on-hand balance of \$190,872.00 as of March 31, 2015. Mr. Bell stated the Committee was working with local law enforcement in Orange County and submitted a complaint to the District Attorney's Office. He added that Mr. Wu provided the Committee with a spreadsheet summarizing his unauthorized use of Committee funds going back to January 1, 2014, and the Committee was planning to amend its reports to show the unauthorized activity. He said the Committee may need to make additional corrections later if the investigation revealed more information. RAD Management advised Mr. Bell and Ms. Slater to submit an Amende'd Statement of Organization (FEC Form 1) disclosing Ms. Slater as the new treasurer, since Mr. Wu still appeared as the treasurer of record. RAD Management also explained how to make a cash-on-hand adjustment on the reports and encouraged the Committee to file an explanatory Miscellaneous Electronic Document (FEC Form 99) (Attachment 3).

On July 13, 2015, Mr. Bell called RAD Management with an update on the Committee's planned reporting of the embezzlement. He indicated that the Committee would file the 2015 July Quarterly Report showing the unauthorized activity that occurred during the reporting period of April 1 through June 30, 2015, and would amend additional reports for 2014 and 2015 later. Mr. Bell stated that the Committee was still investigating the embezzlement that occurred earlier during the former treasurer's tenure (2008 through 2013). Mr. Bell asked for guidance on how to report unauthorized activity, and RAD Management confirmed that unauthorized disbursements should be disclosed on Schedule B supporting Line 21 ("Other Disbursements") and unauthorized receipts should be disclosed on Schedule A supporting Line 15 ("Other Receipts") of the Detailed Summary Page (Attachment 3).

On July 15, 2015, the Committee filed two Amended Form 1s disclosing Jen Slater as the new treasurer (Images 201507159000169376 and 201507159000170094).

On the same date, the Committee filed an Amended 2015 April Quarterly Report, covering January 1 through March 31, 2015 (Image 201507159000203223). On the Amended 2015 April Quarterly Report the Committee adjusted the beginning cash-on-hand balance from \$196,906.47, as disclosed on the original 2015 April Quarterly Report, to \$8,960.08, a decrease of \$187,946.39. The Committee included memo text stating, in full, "Comprehensive Amendment due to Former Treasurer's unauthorized Activity totaling \$181911.92. We have also adjusted the 12/31/2014 Year End Balance on Hand" (Image 201507159000203227). The Amended 2015 April Quarterly Report also disclosed unauthorized receipts totaling \$25,900.00 on Schedule A supporting Line 15 of the Detailed Summary Page, as well as unauthorized disbursements totaling \$25,594.43 on Schedule B supporting Line 21 of the Detailed Summary Page (Attachment 2).

¹ The Committee checked the change of address and change of e-mail address boxes on the second amendment. On July 31, 2015, the Committee also amended the Statement of Candidacy with the updated information (Image 201508030300016354).

² The Committee has not filed an Amended 2015 Year-End Report to adjust the ending cash-on-hand balance as of the date of submission of this referral.

On the same date, the Committee filed a 2015 July Quarterly Report, covering April 1 through June 30, 2015 (Image 201507159000204458). The report disclosed unauthorized receipts totaling \$11,365.88 on Schedule A supporting Line 15 of the Detailed Summary Page, as well as unauthorized disbursements totaling \$9,750.00 on Schedule B supporting Line 21 of the Detailed Summary Page (Attachment 2).3

On August 31, 2015, the Committee filed an Amended 2015 July Quarterly Report (Image 201508319001587028). This amendment did not disclose any changes to unauthorized activity entries.

On March 10, 2016, RAD Management called Mr. Bell to follow up on the Committee's reporting of unauthorized activity. Mr. Bell indicated that the Committee's July and August 2015 amendments of 2015 reports brought the disclosed cash-on-hand balance in line with the bank account balance, since they showed adjustments due to embezzlement. He said the Committee was waiting for the conclusion of the legal action against the former treasurer, and that Mr. Wu was indicted by the District Attorney's Office two or three weeks ago. RAD Management asked Mr. Bell whether the Committee planned to file additional amendments or a Form 99, as previously discussed. RAD Management also explained that the issue would be referred for further review to another Commission office. Mr. Bell stated that he would contact RAD to further discuss this issue (Attachment 3).

On March 17, 2016, Mr. Bell e-mailed RAD Management to report that he discussed the matter with the Committee and they would not file a supplementary Form 99, since they have already amended the 2014 and 2015 reports to disclose unauthorized activity. Rather, the Committee will provide any additional information they receive from the Orange County District Attorney's Office about their forensic audit in connection with the indictment of the former treasurer (Attachment 3).

On April 1, 2016, RAD Management e-mailed Mr. Bell to clarify whether the Committee intended to amend 2014 reports to disclose unauthorized activity, as the only reports filed that included unauthorized activity were the Amended 2015 April Quarterly and the 2015 July Quarterly Reports (Attachment 3).

To date, no further communications have been received from the Committee regarding this matter.

³ The 2015 July Quarterly Report also disclosed the receipt of excessive contributions, which RAD cited in a Request for Additional Information (RFAI) sent on 7/26/15 (Image 201507260300000528).

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Totals		\$493,391	\$582,122

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Rohrabacher for Congress (C00224691)

Amended 2015 April Quarterly Report, received 7/15/15 (Image 201507159000203223)

Unauthorized Receipts

Name	Date	Amount	Transaction Description
The W. Janc Company -			Deposit made by Former Treasurer to
UNAUTHORIZED	1/5/2015	\$9,000.00	cover Unauthorized Withdrawals
The W. Jane Company -			Deposit made by Former Treasurer to
UNAUTHORIZED	1/16/2015	\$1,500.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	2/4/2015	\$1,000.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	2/9/2015	\$100.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	2/10/2015	\$500.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	2/13/2015	\$1,200.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	2/17/2015	\$1,200.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	2/18/2015	\$3,250.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	2/19/2015	\$2,200.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	3/3/2015	\$1,000.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	3/5/2015	\$1,000.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	3/6/2015	\$500.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	3/9/2015	\$350.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
_Jack	3/10/2015	\$2,600.00	cover Unauthorized Withdrawals
Wu - UNAUTHORIZED,			Deposit made by Former Treasurer to
Jack	3/18/2015	\$500.00	cover Unauthorized Withdrawals
Total Unauthorized Recei	DES	\$25,900,00	

Unauthorized Disbursements

Name of Payce	Date	Amount	Purpose
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	1/12/2015	\$2,000.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	1/13/2015	\$1,000.00	Treasurer

The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	1/21/2015	\$1,100.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	1/27/2015	\$500.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	2/2/2015	\$1,194.43	Treasurer
The W. Jane Company -	-	•	Unauthorized Withdrawal by Former
UNAUTHORIZED	2/6/2015	\$1,500.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	2/19/2015	\$3,000.00	Treasurer
The W. Jane Company -	_		Unauthorized Withdrawal by Former
UNAUTHORIZED	2/27/2015	\$3,000.00	Treasurer
Wu - UNAUTHORIZED,			Unauthorized Withdrawal by Former
Jack	3/12/2015	\$2,000.00	Treasurer
Wu - UNAUTHORIZED,	1		Unauthorized Withdrawal by Former
Jack	3/16/2015	\$5,000.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	3/20/2015	\$3,500.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	3/23/2015	\$1,800.00	Treasurer
Total Unauthorized Disbu	rsements	IS2559443	

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Unauthorized Receipts

Name	Date	Amount	Transaction Description
JACK WU -			Deposit made by Former Treasurer to
UNAUTHORIZED	4/3/2015	\$3,000.00	cover Unauthorized Withdrawals
JACK WU -			Deposit made by Former Treasurer to
UNAUTHORIZED	4/20/2015	\$1,000.00	cover Unauthorized Withdrawals
JACK WU -			Deposit made by Former Treasurer to
UNAUTHORIZED	4/21/2015	\$1,500.00	cover Unauthorized Withdrawals
The W. Jane Company -	1		Deposit made by Former Treasurer to
UNAUTHORIZED	4/30/2015	\$5,000.00	cover Unauthorized Withdrawals
The W. Jane Company -			Deposit made by Former Treasuren to
UNAUTHORIZED	5/4/2015	\$200.00	cover Unauthorized Withdrawals
JACK WU -			Deposit made by Former Treasurer to
UNAUTHORIZED	5/11/2015	\$665.88	
Rofal Unauthorized Recei	pts and	3S11;365:88;	

<u>Unauthorized Disbursements</u>

Name of Payee	Date	Amount	Purpose
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	4/1/2015	\$1,000.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	4/2/2015	\$1,850.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	4/3/2015	\$1,900.00	Treasurer
The W. Jane Company -			Unauthorized Withdrawal by Former
UNAUTHORIZED	4/3/2015	\$5,000.00	Treasurer
Motal) Umanihorized Distri	rsements	\$9,750:00	《公司》:"公司,以